

94th CONGRESS
1st Session

S.

IN THE SENATE OF THE UNITED STATES

Mr. introduced the following bill; which was read twice
and referred to the Committee on Rules

BILL

To establish a Joint Committee on Central Intelligence, to
amend the National Security Act of 1947, and for other purposes.

1 Be it enacted by the Senate and the House of Representatives
2 of the United States of America in Congress assembled, that
3 ESTABLISHMENT OF JOINT COMMITTEE ON CENTRAL
4 INTELLIGENCE

5 SEC. 2. (a) There is hereby established a Joint Committee
6 on Central Intelligence (hereinafter referred to as the
7 "joint committee") which shall be composed of twelve members
8 appointed as follows:

1 (1) two members of the Committee on Armed
2 Services of the Senate;

3 (2) two members of the Committee on Foreign
4 Relations of the Senate;

5 (3) two members of the Committee on Government
6 Operations of the Senate;

7 (4) two members of the Committee on Armed
8 Services of the House of Representatives;

9 (5) two members of the Committee on Foreign
10 Affairs of the House of Representatives; and

11 (6) two members of the Committee on Government
12 Operations of the House of Representatives.

13 (b) The joint committee shall select a chairman and a vice
14 chairman from among its members at the beginning of each Congress.
15 The vice chairman shall act in the place instead of the chairman in the
16 absence of the chairman. The chairmanship shall alternate with each
17 Congress between the Senate and the House of Representatives, and the
18 chairman shall be selected by the joint committee members of the house
19 entitled to the chairmanship. The vice chairman shall be chosen from
20 the house other than that of the chairman by members of the joint
21 committee from that house.

22 (c) Vacancies in the membership of the joint committee shall

1 not effect the power of the remaining members to execute the
2 functions of the joint committee and shall be filled in the same
3 manner as in the case of an original selection.

4 (d) A majority of the members of the joint committee shall
5 constitute a quorum for the transaction of business, except that
6 the joint committee may fix a lesser number as a quorum for the
7 purpose of taking testimony.

8 DUTIES OF THE JOINT COMMITTEE

9 SEC. 3. (a) The joint committee shall make continuing studies of
10 the activities and operations of the Director of Central Intelligence and
11 the Central Intelligence Agency. The Director of Central Intelligence shall
12 keep the joint committee fully and currently informed with respect to all
13 his activities and those of the Central Intelligence Agency.

14 (b) All bills, resolutions, and other matters in the Senate or House
15 of Representatives relating to the Director of Central Intelligence and the
16 Central Intelligence Agency or to the foreign intelligence activities of the
17 United States Government shall be referred to the joint committee, and
18 except for the Appropriations Committees, the joint committee shall have
19 exclusive jurisdiction and access to information on the operations
20 of the Central Intelligence Agency, its programs and functions.

21 (c) Information obtained or furnished pursuant to this section
22 shall be subject to specific rules and instructions regarding

1 protection and further dissemination as established by the joint
2 committee. These rules and instructions shall take precedent over
3 any other rules or instructions of the Senate or the House of
4 Representatives, with which they may conflict.

5 (d) The chairman and vice chairman of the joint committee or
6 their designees shall from time to time report to their respective
7 houses, by bill or otherwise, their recommendations with respect
8 to matters within the jurisdiction of the joint committee.

9 POWERS OF THE JOINT COMMITTEE

10 SEC. 4. (a) The joint committee, or any subcommittee
11 thereof, is authorized, in its discretion; to make expenditures; to
12 employ personnel; to hold hearings; to sit and act at any time or place;
13 to subpoena witnesses and documents; to take depositions and other
14 testimony; to use, on a reimbursable basis, the facilities and services
15 of personnel of the Central Intelligence Agency, with the prior consent
16 of said Agency; to procure printing and binding; to procure the
17 temporary or intermittent services of individual or organizational
18 consultants; and to provide for the training of its professional staff.

19 (b) Subpoenas may be issued over the signature of the chairman

1 of the joint committee or by any member designated by him or
2 the joint committee, and may be served by such person as may be
3 designated by such chairman or member. The chairman of the
4 joint committee or any member thereof may administer oaths to
5 witnesses. The provisions of sections 102 to 104 of the Revised
6 Statutes (2 U.S.C. 192-194) shall apply in the case of any failure
7 of any witness to comply with a subpoena to testify when summoned
8 under authority of this subsection.

9 CLASSIFICATION OF INFORMATION

10 SEC. 5. The joint committee may classify information
11 originating within the committee in accordance with standards
12 used generally by the executive branch of the Federal Government
13 for classifying defense information or other information relating to
14 the national security of the United States, including information
15 relating to intelligence sources and methods.

16 RECORDS OF THE JOINT COMMITTEE

17 SEC. 6. The joint committee shall keep a complete record
18 of all information it receives pursuant to section 3. All committee
19 records, data, charts and files shall be the property of the joint
20 committee and shall be kept in the office of the joint committee,
21 or such other places as the joint committee may direct,

1 under such security safeguards as the joint committee shall
2 determine to be in the interest of national security but not less than
3 the standards prescribed for the Executive branch.

4 EXPENSES OF JOINT COMMITTEE

5 SEC. 7. The expenses of the joint committee shall be paid
6 from the contingent fund of the Senate from funds appropriated for
7 the joint committee, upon vouchers signed by the chairman of the
8 joint committee or by any member of the joint committee
9 authorized by the chairman.

10 PROTECTION OF INTELLIGENCE SOURCES AND METHODS

11 SEC. 8. Section 102 of the National Security Act of 1947, as
12 amended, (50 U.S.C.A. 403) is further amended by adding the
13 following new subsection (g):

14 (g) In order further to implement the proviso of
15 section 102(d)(3) of this Act that the Director of Central
16 Intelligence shall be responsible for protecting intelligence
17 sources and methods from unauthorized disclosure--

18 (1) Whoever, being or having been in duly
19 authorized possession or control of information
20 relating to intelligence sources and methods, or
21 whoever, being or having been an officer or employee
22 of the United States, or member of the Armed Services

1 of the United States, or a contractor of the United States
2 Government, or an employee of a contractor of the United
3 States Government, and in the course of such relationship
4 becomes possessed of information relating to intelligence
5 sources and methods, knowingly communicates such information
6 to a person not authorized to receive it shall be fined not more
7 than \$5,000 or imprisoned not more than five years, or both;

8 (2) For the purposes of this subsection, the term
9 "information relating to intelligence sources and methods"
10 means information concerning

11 (a) methods of collecting foreign intelligence;

12 (b) all sources of foreign intelligence, whether
13 human, technical, or other; and

14 (c) methods and techniques of analysis and
15 evaluation of foreign intelligence

16 and which for reasons of national security, or in the interest
17 of the foreign relations of the United States, has been specifically
18 designated for limited or restricted dissemination or distribution,
19 pursuant to authority granted by law, Executive order, or
20 Directive of the National Security Council, by a department or
21 agency of the United States Government which is expressly
22 authorized by law or by the President to engage in intelligence
23 activities for the United States;

1 (3) A person not authorized to receive information relating
2 to intelligence sources and methods is not subject to prosecution as an
3 accomplice within the meaning of section 2 and 3 of Title 18, United
4 States Code, or to prosecution for conspiracy to commit an offense .
5 under this subsection, unless he became possessed of the information
6 relating to intelligence sources and methods in the course of his relation-
7 ship with the United States Government;

8 (4) No prosecution shall be instituted under this subsection
9 unless, prior to the return of the indictment or the filing of the
10 information, the Attorney General and the Director of Central Intelligence
11 jointly certify to the court that the information was lawfully designated
12 for limited or restricted dissemination or distribution within the meaning
13 or paragraph (2) of this subsection at the time of the offense;

14 (5) It is an affirmative defense to a prosecution under this
15 subsection that the information was communicated only to a regularly
16 constituted subcommittee, committee, or joint committee of Congress,
17 pursuant to lawful demands;

18 (6) Whenever in the judgment of the Director of Central Intelligence
19 any person has engaged, or is about to engage, in any acts or practices
20 which constitute, or will constitute, a violation of this subsection, or
21 any rule or regulation issued thereunder, the Attorney General, on
22 behalf of the United States, may make application to the appropriate court
23 for an order enjoining such acts or practices, or for an order enforcing

1. compliance with the provisions of this subsection, and upon a showing
2 that such person has engaged, or is about to engage, in any such acts
3 or practices, a permanent or temporary injunction, restraining order,
4 or other order may be granted.

5 (7) In any judicial proceeding under this subsection, the
6 court may review, in camera, information relating to intelligence
7 sources and methods designated for limited or restricted dissemination
8 or distribution for the purpose of determining if such designation was
9 lawful and the court shall not invalidate the designation unless it
10 determines that the designation was arbitrary and capricious.